

STATEMENT OF ROSEL H. HYDE, CHAIRMAN, FEDERAL COMMUNICATIONS  
COMMISSION, BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS AND  
POWER OF THE HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE  
ON BILLS TO AMEND THE COMMUNICATIONS ACT OF 1934 WITH RESPECT  
TO OBSCENE OR HARASSING TELEPHONE CALLS IN INTERSTATE OR FOREIGN  
COMMERCE

January 30, 1968

Mr. Chairman, I am Rosel H. Hyde, Chairman of the Federal Communications Commission. I appear here today at the Committee's invitation to discuss bills to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce (H.R. 611, H.R. 1422, H.R. 5867, H.R. 6283, H.R. 7830, H.R. 13323, and S. 375). For convenience, I shall refer by number only to S. 375 which passed the Senate on April 24, 1967. However, because all these bills under consideration are identical, my comments are equally applicable to all.

S. 375 would add a new section 223 to the Communications Act to prohibit, in substance, the making of obscene, lewd, lascivious, filthy, or indecent telephone calls or those intended to annoy, abuse, threaten, or harass, either in interstate or foreign commerce or within the District of Columbia. It provides for a fine of not more than \$500 or imprisonment for not more than six months, or both.

The Federal Communications Commission is fully in accord with the effort to deal with the problem of obscene and harassing telephone calls which is embodied in this bill.

Obscene and harassing telephone calls have become a matter of serious concern. The dimensions of the problem are already large and are apparently growing. At the request of the Commission, the Bell Telephone System, which provides more than 80 percent of the Nation's telephones, began to compile statistics in February 1966 concerning the number of calls as to which it receives complaints. The Bell System lists as abusive calls those falling under the headings of obscene, harassing, threatening, or interference. The figures show that, for eleven months of 1966, the Bell System received over 568,000 complaints concerning abusive telephone calls that threaten or harass the recipient. This is an average of over 51,000 such complaints each month. In the first eleven months of 1967 more than 640,000 such complaints were reported. This represents an average of over 58,000 complaints each month, an increase of approximately 7,000 monthly over the previous report.

When compilation of complaints began in early 1966 the number of reported abusive calls was between forty and forty-five thousand per month. The number of such calls increased to between fifty and fifty-five thousand per month as of the latter part of 1966. Available 1967 figures show a range of approximately 51,000 to 68,000 such calls per month.

A detailed breakdown of the statistics for the two most recent months available (October and November 1967) is attached to this statement, together with the total monthly figures of the number of abusive

calls for each month since the Bell System began compiling such statistics.

It should be noted that only a small portion of the total number of reported abusive calls were interstate in nature. During the eleven-month period in 1966 in which the Bell System compiled statistics, 512 complaints of abusive interstate calls were reported. There were 470 such calls in the first eleven months of 1967.

S. 375 would deal not only with obscene calls, but also the anonymous call made with intent to harass, and repeated calls made solely for the same purpose. The bill thus covers certain types of anonymous calls which have been of increasing concern. The telephone may ring at any hour of the day or night, to produce only a dead line when answered. Sometimes the caller will merely breathe heavily and then hang up. Sometimes he will utter obscenities. Recently a new and most offensive form of harassment has been devised. Families of servicemen are called and given false reports of death or injury, or even, hard as it is to believe, are gloatingly reminded of the death of a son or husband in the service. S. 375 reaches all of these vicious practices.

Some remedies do exist at the present time. All States have statutes generally prohibiting the making of various types of obscene, harassing, or annoying telephone calls. These laws, many of which are

of recent origin, should assist the efforts to solve the problem of intrastate abusive calling. In addition, telephone company tariffs prohibit obscene language over the telephone or the use of telephone service in such a manner as to harass or frighten others.

The Bell Telephone System has developed improved equipment to determine the source of anonymous abusive calls, and has issued instructions to operating companies for close cooperation with subscribers who complain of obscene or harassing telephone calls. It is to be hoped that recent publicity given to this matter by the telephone company and the manner in which they will serve customers who receive such calls will have the beneficial effect of reducing such practices.

Although Title 18 U.S.C. 875(c) prohibits interstate communications containing a threat of personal injury, and 18 U.S.C. 837(d) prohibits use of the telephone to make threats of damage to certain property or threats to persons seeking to make specified uses of such property, no Federal law deals with the many aspects of the problem of abusive calls. S. 375 would apply to all interstate calls and those calls made within the District of Columbia. Its enactment would facilitate prosecutions for interstate calls by permitting prosecution where it may be convenient for the witnesses, since section 3237

of Title 18, United States Code, permits prosecution of offenses in any district in which the offense is begun, is continued, or is completed.

Enforcement of a Federal criminal statute dealing with obscene and harassing telephone calls would appropriately be the responsibility of the Department of Justice. From the standpoint of the Federal Communications Commission's general concern in this area, we are fully in accord with the effort to deal with this problem which is embodied in S. 375 and support its enactment.

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Attachment 1

Bell Telephone System Summary of Abusive Calling

October, 1967

The figures shown represent actual results for October, 1967 in all Bell Telephone System Companies.

<u>Classification</u>	<u>Total No.</u>
Abusive	52,334
Commercial Solicitation	1,244
Misdirected	2,644
<u>Breakdown of Abusive</u>	
Obscene	11,793
Harassing	35,655
Threatening	2,447
Interference	2,439
<u>Disposition of Abusive</u>	
Closed after initial discussion	28,142
Closed after keeping log	13,670
Number - change - no transfer	6,125
Change to non-listed or non-published numbers	4,808
Requests for line identification	4,658
Lines successfully identified	943
Cases referred to Security	1,140
Cases requiring disconnection by Company	5
Cases resulting in court convictions	78
Cases involving Intercity calling	1,189
Cases involving Interstate calling	24
Total number closed	50,845
Total number pending	9,733

Attachment 2

Bell Telephone System Summary of Abusive Calling

November, 1967

The figures shown represent actual results for November, 1967 in all Bell Telephone System Companies.

<u>Classification</u>	<u>Total No.</u>
Abusive	51,659
Commercial Solicitation	1,195
Misdirected	2,605
<u>Breakdown of Abusive</u>	
Obscene	11,845
Harassing	34,794
Threatening	2,436
Interference	2,584
<u>Disposition of Abusive</u>	
Closed after initial discussion	28,828
Closed after keeping log	12,899
Number - change - no transfer	6,236
Change to non-listed or non-published numbers	4,902
Requests for line identification	4,534
Lines successfully identified	877
Cases referred to Security	1,098
Cases requiring disconnection by Company	4
Cases resulting in court convictions	90
Cases involving Intercity calling	1,301
Cases involving Interstate calling	27
Total number closed	51,505
Total number pending	9,817

## Attachment 3

Bell Telephone System Summary of Abusive Calling

	<u>1966</u>	<u>1967</u>
January	not compiled	58,077
February	37,332	60,960
March	46,023	64,906
April	42,940	58,828
May	45,733	56,822
June	54,027	58,151
July	54,366	60,135
August	68,193	68,343
September	56,791	51,606
October	55,134	52,334
November	56,796	51,659
December	<u>51,439</u>	<u>not reported</u>
Total	568,774	641,821